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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/027,829 | 10/19/2001 | Brian N. Tufte | | 2577 |

28075 7590 11/20/2003

CROMPTON, SEAGER & TUFTE, LLC
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MINNEAPOLIS, MN 55403-2420

EXAMINER

BORISSOV, IGOR N

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3629

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------|-----------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/027,829 | TUFTE, BRIAN N. | |
| | Examiner | Art Unit | |
| | Igor Borissov | 3629 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 30 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 30, it is not clear what method steps does the term "allowing" contemplate.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price (US 2002/0120539) in view of Robbins (US 2003/0182265).

Price teaches a method and sytem for distributing charitable donations, comprising:

As per claims 1, 20, 24, 25, 30 and 32,

receiving either directly or indirectly a donation from a contributor [0028]; [0029];
assigning the donation to a particular donee [0029];

tracking the delivery of the donation and providing the location of the donee to the contributor [0036]; [0038].

Price specifies that the donation may be mailed directly to targeted donees [0029], and may be tracked via the Internet [0036].

However, Price does not specifically teach obtaining the location of each donation at one or more points in time.

Robbins teach a method and system for delivery tracking system, wherein a shipper of a package is able to track the delivery of the package via the Internet at one or more points in time [0020]; [0027].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Price to include obtaining the location of each donation at one or more points in time, because it would allow to retrace the delivery root in case the package is lost, thereby increasing the realability of the system.

As per claims 2, 6-7, 12 and 31, Price teaches said method and system, wherein the receiving step includes receiving information related to the donation via the Internet [0035]; [0036]; [0038].

As per claims 3-5, Price teaches said method and system, wherein the information includes a contributor's name, a contributor's payment information and a donation preference [0028]; [0029].

As per claims 8-10, Price teaches said method and system, wherein the cash, goods and/or services includes Food Stamps, EBT cards, debit cards, copupons and other charitable contributions in relation to a specified charitable cause [0031].

As per claims 11 and 13-14, Robbins teaches said method and system, wherein the location of the delivery lot is automatically provided to the contributor at the one or more points in time [0024]; [0036].

As per claims 15-16 and 17-18, Prince and Robbins teach all the limitations of claims 15-16 and 17-18, except specifically teaching that the package includes one or more types of cash, goods and/or services; and that the package is a unique or common package.

However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The "receiving" through "providing" steps would be performed the same regardless of the contents of the package. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

As per claims 19 and 23, Robbins teaches said method and system, wherein the obtaining step includes obtaining the location of each delivery lot at two or more points in time, each corresponding to a different location [0024]; [0036].

As per claims 21 and 22, Price teaches said method and system, wherein each donation is assigned a unique ID (invoice) to provide tracking and report generating capability for the donor [0035].

As per claims 26-28, Prince and Robbins teach all the limitations of claims 26-28, including that the contributors include individuals, except specifically teaching that the contributors include organizations with organization members.

However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The “receiving” through “providing” steps would be performed the same regardless whether the contributors include individuals or organizations. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

As per claim 29, Price and Robbins teach said method and system, comprising the Donee Interface including Interactive Voice Response system, a WEB TV interface and a PC with Internet access.

However, Price and Robbins do not specifically teach that said Donee Interface provides a chat room.

Official notice is taken that providing chat rooms by interest are well known in the art.

Therefor, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Price and Robbins to include that said Donee Interface provides a chat room, because it appears that the claimed features do not distinguish the invention over similar features in the prior art, and the teachings of Price

and Robbins would perform the invention as claimed by the applicant with either specifically teaching the chat room, or not.

Remarks

The copy of the PTO-1449 Form is not provided with this office action because the Information Disclosure Statement is missing in the file.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

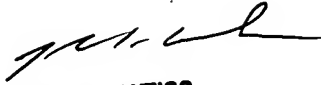
or faxed to:

(703) 872-9306 [Official communications; including After Final
communications labeled "Box AF"]

Art Unit: 3629

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

IB


JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600